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501.43537X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: ARAI et al
Serial No.: 10/790,180
Filed: March 2, 2004
For: Method of Detecting Particles And A Processing
Apparatus Using The Same
Art Unit: 1763
Examiner: R. Zervigon

RESPONSE

Mail Stop: Response (No Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 19, 2005

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated August 19, 2005.

The requirement for restriction to one of the inventions identified as Invention I - claims 1 - 4, drawn to a method for processing a sample, and Invention II - claims 5 - 10, drawn to an apparatus for processing a substrate, is traversed as being improper, and reconsideration and withdrawal of the restriction requirement are respectfully requested.

In setting forth the restriction requirement, the Examiner indicates that Inventions I and II are related as process and apparatus for its practice referring to the requirements of MPEP §806.05(e) for showing distinctness, which requirements are in terms of the process, as claimed, or the apparatus, as claimed. The Examiner contends that "In this case, the apparatus as claimed can be used to practice